

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action
No. 19-10063-DJC

V.

July 12, 2022

RANDALL CRATER,

Defendant.

EXCERPT TRANSCRIPT OF INITIAL INSTRUCTIONS TO THE JURY

BEFORE THE HONORABLE DENISE J. CASPER

UNITED STATES DISTRICT COURT

JOHN J. MOAKLEY U.S. COURTHOUSE

1 COURTHOUSE WAY

BOSTON, MA 02210

DEBRA M. JOYCE, RMR, CRR, FCRR

Official Court Reporter

John J. Moakley U.S. Courthouse

1 Courthouse Way, Room 5204

Boston, MA 02210

joycedebra@gmail.com

1 APPEARANCES:

2 FOR THE GOVERNMENT:

3 CHRISTOPHER J. MARKHAM, ESQ.
4 BABASIJIBOMI MOORE, ESQ.
5 US Attorney's Office - MA
6 J. Joseph Moakley U.S. Courthouse
7 1 Courthouse Way
8 Suite 9200
9 Boston, MA 02210
10 617-449-6890
11 christopher.markham2@usdoj.gov
12 babasijibomi.moore2@usdoj.gov
13

14 FOR THE DEFENDANT:

15 SCOTT P. LOPEZ, ESQ.
16 Lawson & Weitzen
17 88 Black Falcon Avenue
18 Suite 345
19 Boston, MA 02210
20 617-439-4990
21 splopez@lawson-weitzen.com
22
23
24
25

P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Denise J. Casper, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, 1 Courthouse Way, Boston, Massachusetts, on July 12, 2022.

The defendant, Randall Crater, is present with counsel. The Assistant U.S. Attorneys are present.)

* * * * *

01:04 10 THE COURT: Thank you.

11 And jurors, I'd just ask for your attention for a
12 brief amount of time more this afternoon.

13 These are rules that I will return to throughout the
14 course of the trial. These are rules about how you should
15 conduct yourselves during the trial. They're all about
16 maintaining a fair and impartial jury, so please keep them in
17 mind.

18 First, ladies and gentlemen, do not talk amongst
19 yourselves about this case or about anyone involved in it until
01:04 20 the end of the case when I give you the instruction that you
21 can go to the jury room and begin your deliberations. You
22 should obviously feel free to get to know each other and talk
23 about other matters, anything but not this case or anything
24 related to this case.

25 Second, and this is very important, don't make up your

1 mind about what the verdict should be until you've gone to the
2 jury room at the end of all of the evidence to begin your
3 deliberations and you and your fellow jurors have discussed the
4 evidence. Keep an open mind until then.

5 Third, don't talk to anyone else about this case or
6 about anyone who has anything to do with it until the trial has
7 ended and I've discharged you as jurors. Anyone else, of
8 course, means members of your family, your co-workers, your
9 friends. You may tell them that you have been seated as a
01:05 10 juror but do not tell them anything about the case until you
11 have been discharged at the end.

12 Fourth, don't mention or discuss this case in any way
13 in any electronic form. So in the same way you can't do it
14 person to person, live or in writing or any other manner, you
15 also can't do it in any electronic form, so don't send any
16 email, text, tweet, post or discuss the case on a blog or
17 anything like that.

18 Do not let anyone else talk to you about the case or
19 about anyone or anything that has anything to do with it. If
01:06 20 someone should try to talk to you, you should immediately
21 report it to Ms. Hourihan, a court security officer so it can
22 be brought to my attention right away.

23 During the course of trial, don't speak to any of the
24 parties, the lawyers or the witnesses involved in the case.
25 It's important, jurors, that you not only do justice in this

1 case, but you also give the appearance of doing justice.

2 If someone saw you talking to someone involved in this
3 case, even if you were just trying to be polite, it might raise
4 issues and concerns about your ability to be fair and
5 impartial, so just don't do it.

6 If one of the lawyers or parties or witnesses doesn't
7 speak to you when you pass in the hall or if you're in the
8 elevator together, it's because they're not supposed to speak
9 with you for the same reason.

01:07 10 I don't think we're anticipating any news stories
11 about this case, but if you should happen upon something, don't
12 read it, don't listen to it, don't watch it. And that's in
13 regards to the case, anyone involved in it or any of the
14 charges or anything related to this case.

15 Also, don't do any research on your own. And that is,
16 don't do any research about the parties, the charges, the facts
17 here, cryptocurrency. Don't Google or do other internet
18 searches or conduct research of any kind regarding this case,
19 the subject matter, the parties or the law. Don't make any
01:07 20 kind of investigation about the case on your own.

21 During the course of the trial, if you have any issue
22 of any kind, just let us know, we'll stop the proceedings and
23 try to take care of the problem. For instance, if a lawyer
24 steps between you and your line of vision to the witness, let
25 me know so you can see them. If you can't hear a witness, let

1 us know and I'll have them repeat their answer.

2 We will take a break every morning around 11:00, and
3 on the days when we run until 4:00, as I mentioned before,
4 we'll take a one-hour lunch break. As counsel knows, I'm
5 pretty religious about following those breaks for everyone
6 involved.

7 Jurors, all of these rules are very important to the
8 integrity of the process and maintaining your impartiality
9 throughout, so just bear them in mind. I will reference them
01:08 10 again throughout the trial when I say good night to you at the
11 end of every day, but just keep them in mind.

12 In a moment, as I said, we're going to recess for the
13 day. Just keep the instructions in mind.

14 The other important thing to know is counsel and I and
15 my court staff meet before 9:00 every morning, so we're all
16 here. But we can't resume the evidence and start the trial
17 unless all 14 of you are here, which we try to do promptly
18 every day at 9:00 a.m. So, please, beginning tomorrow, be here
19 a little before 9:00. Ms. Hourihan is going to show you the
01:09 20 back way to get in so that we can start promptly with you at
21 9:00.

22 What will happen tomorrow is I'll give you some brief
23 preliminary instructions before you hear opening statements
24 from either side, and then the government, who bears the burden
25 of proof in this case, will begin to present its evidence that

1 it contends supports the charges against Mr. Crater.

2 With all of that said, and unless there's anything
3 else from counsel, we'll excuse you for the day and we'll see
4 you in the morning.

5 Thank you.

6 THE CLERK: Okay, jurors, we're going to file out this
7 way.

8 All rise for the jury.

9 (Jury left the courtroom.)

01:10 10 THE COURT: Counsel, anything we need to take up now?
11 The only thing I would mention is starting tomorrow I will meet
12 with you at 8:45 again to preview -- I have the preview of the
13 lineup for tomorrow. I'll go back over those disputed exhibits
14 and the uncontested exhibits to the extent that they bore on
15 some of those.

16 Anything else I should take up at this time?

17 MR. MARKHAM: I believe we owe you a CD, your Honor.
18 So we can give that to Lisa?

19 THE COURT: Yes.

01:11 20 MR. MARKHAM: Very good.

21 THE COURT: Anything, Mr. Lopez?

22 MR. LOPEZ: No, your Honor.

23 THE COURT: Thank you. Have a good rest of the day.

24 (Court adjourned at 1:11 p.m.)

25 - - - - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION

I certify that the foregoing is a correct transcript
of the record of proceedings in the above-entitled matter to
the best of my skill and ability.

/s/Debra M. Joyce
Debra M. Joyce, RMR, CRR, FCRR
Official Court Reporter

July 12, 2022
Date